

House File 435 - Introduced

HOUSE FILE 435

BY M. SMITH

A BILL FOR

1 An Act relating to the provision of absentee ballots to
2 residents or patients of certain health care facilities and
3 hospitals.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39A.4, subsection 1, paragraph c,
2 subparagraphs (11) and (12), Code 2011, are amended to read as
3 follows:

4 (11) Returning a voted absentee ballot, by mail or in
5 person, to the commissioner's office and the person returning
6 the ballot is not the voter, the voter's designee, or a special
7 precinct election official designated pursuant to section
8 53.22, subsection ± 1A.

9 (12) Making a false or untrue statement reporting that
10 a voted absentee ballot was returned to the commissioner's
11 office, by mail or in person, by a person other than the voter,
12 the voter's designee, or a special precinct election official
13 designated pursuant to section 53.22, subsection ± 1A.

14 Sec. 2. Section 53.8, subsection 3, paragraphs a and b, Code
15 2011, are amended to read as follows:

16 a. When an application for an absentee ballot is received
17 by the commissioner of any county from a registered voter who
18 is a patient in a hospital in that county or a resident of any
19 facility in that county shown to be a health care facility by
20 the list of licenses provided the commissioner under section
21 135C.29, the absentee ballot shall be mailed or personally
22 ~~delivered to the voter and returned to the commissioner~~ in the
23 manner prescribed by section 53.22.

24 b. (1) If the application indicates that the ballot is to
25 be personally delivered to the applicant and the application
26 is received more than five days before the ballots are printed
27 and the commissioner has elected to have the ballots personally
28 delivered during the ten-day period after the ballots are
29 printed, the commissioner shall mail to the applicant within
30 twenty-four hours a letter in substantially the following form:

31 Your application for an absentee ballot for the election
32 to be held on has been received. This ballot will
33 be personally delivered to you by a bipartisan team sometime
34 during the ten days after the ballots are printed. If you will
35 not be at the address from which your application was sent

1 during any or all of the ten-day period immediately following
2 the printing of the ballots, the ballot will be personally
3 delivered to you sometime during the fourteen days preceding
4 the election. If you will not be at the address from which
5 your application was sent during either of these time periods,
6 contact this office and arrangements will be made to have your
7 absentee ballot delivered at a time when you will be present at
8 that address.

9 (2) If the application indicates that the ballot is to be
10 personally delivered to the applicant and the application is
11 received more than fourteen calendar days before the election
12 and the commissioner has not elected to mail absentee ballots
13 to applicants as provided under section 53.22, subsection 3,
14 and has not elected to have the absentee ballots personally
15 delivered during the ten-day period after the ballots are
16 printed, the commissioner shall mail to the applicant within
17 twenty-four hours a letter in substantially the following form:

18 Your application for an absentee ballot for the election
19 to be held on has been received. This ballot will
20 be personally delivered to you by a bipartisan team sometime
21 during the fourteen days preceding the election. If you will
22 not be at the address from which your application was sent
23 during any or all of the fourteen-day period immediately
24 preceding the election, contact this office and arrangements
25 will be made to have your absentee ballot delivered at a time
26 when you will be present at that address.

27 Sec. 3. Section 53.17, subsection 1, paragraph a, Code 2011,
28 is amended to read as follows:

29 a. The sealed return envelope may be delivered by the
30 registered voter, by the voter's designee, or by the special
31 precinct election officials designated pursuant to section
32 53.22, subsection ± 1A, to the commissioner's office no later
33 than the time the polls are closed on election day. However,
34 if delivered by the voter's designee, the envelope shall be
35 delivered within seventy-two hours of retrieving it from the

1 voter or before the closing of the polls on election day,
2 whichever is earlier.

3 Sec. 4. Section 53.22, subsection 1, paragraph a, Code 2011,
4 is amended to read as follows:

5 ~~a.~~ (1) A registered voter who has applied for an absentee
6 ballot, in a manner other than that prescribed by section
7 53.10 or 53.11, and who is a resident or patient in a health
8 care facility or hospital located in the county to which
9 the application has been submitted shall be delivered the
10 appropriate absentee ballot in the manner provided in this
11 section. The application for an absentee ballot shall include
12 space for an applicant under this section to indicate whether
13 the applicant wants the ballot mailed or personally delivered
14 to the applicant.

15 1A. a. (1) If the applicant indicated on the application
16 that the ballot be personally delivered, or if the applicant
17 did not indicate a preference on the application, the ballot
18 shall be delivered by two special precinct election officers,
19 one of whom shall be a member of each of the political parties
20 referred to in section 49.13, who shall be appointed by the
21 commissioner from the election board panel for the special
22 precinct established by section 53.20. The special precinct
23 election officers shall be sworn in the manner provided
24 by section 49.75 for election board members, shall receive
25 compensation as provided in section 49.20, and shall perform
26 their duties during the ten calendar days after the ballots
27 are printed if the commissioner so elects, during the fourteen
28 calendar days preceding the election, and on election day if
29 all ballots requested under section 53.8, subsection 3, have
30 not previously been delivered and returned.

31 (2) If materials are prepared for the two special precinct
32 election officials, a list shall be made of all voters to whom
33 ballots are to be delivered. The list shall be sent with the
34 officials who deliver the ballots and shall include spaces to
35 indicate whether the person was present at the hospital or

1 health care facility when the officials arrived, whether the
2 person requested assistance from the officials, whether the
3 person was assisted by another person of the voter's choice,
4 the time that the ballot was returned to the officials, and any
5 other notes the officials deem necessary.

6 (3) The officials shall also be issued a supply of extra
7 ballots to replace spoiled ballots. Receipts shall be
8 issued in substantially the same form as receipts issued to
9 precinct election officials pursuant to section 49.65. All
10 ballots shall be accounted for and shall be returned to the
11 commissioner. Separate envelopes shall be provided for the
12 return of spoiled ballots and unused ballots.

13 Sec. 5. Section 53.22, Code 2011, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 1B. If the applicant indicated on the
16 application that the ballot be mailed to the applicant, the
17 commissioner shall mail the ballot to the applicant in the time
18 prescribed by section 53.8, subsection 1.

19 Sec. 6. Section 53.22, subsection 3, Code 2011, is amended
20 to read as follows:

21 3. For any election except a primary or general election or
22 a special election to fill a vacancy under section 69.14, the
23 commissioner may, as an alternative to ~~subsection 1~~ subsections
24 1A and 1B, mail an absentee ballot to an applicant under
25 this section to be voted and returned to the commissioner in
26 accordance with this chapter. This subsection only applies to
27 applications for absentee ballots from a single health care
28 facility or hospital if there are no more than two applications
29 from that facility or hospital.

30 EXPLANATION

31 This bill provides that an applicant for an absentee ballot
32 who is a resident or patient of a health care facility or
33 hospital may indicate on the application whether the applicant
34 wants the absentee ballot personally delivered or mailed to the
35 applicant.

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1 Under current law, a resident or patient of a health care
2 facility or hospital who makes application for an absentee
3 ballot is, in most circumstances, delivered the ballot by two
4 special precinct election officials appointed by the county
5 commissioner of elections.